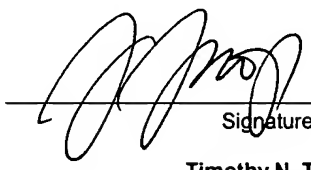


Date Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.1082US (P18346)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on <u>December 22, 2006</u> Signature <u>Cynthia L. Hayden</u> Typed or printed name <u>Cynthia L. Hayden</u>		Application Number 10/751,258	Filed December 31, 2003
		First Named Inventor Michael K. Eschmann	
		Art Unit 2186	Examiner Paul W. Schlie
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature Timothy N. Trop Typed or printed name (713) 468-8880 Telephone number December 22, 2006 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Michael K. Eschmann et al.	§	Art Unit:	2186
Serial No.:	10/751,258	§	Examiner:	Paul W. Schlie
Filed:	December 31, 2003	§	Docket:	ITL.1082US P18346
For:	Coalescing Disk Write Back Requests	§	Assignee:	Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested because the advisory action and the final rejection assert that coalesced writes are known, but ignore the fact that the claim covers coalescing non-sequential writes which is not known and is not cited in any of the art of record.

The suggestion that somehow the coalescing of non-sequential writes is inherent is not correct since to be inherent it must necessarily occur. Obviously, it is much easier to coalesce or combine two sequential writes than to figure how to combine two writes that are non-sequential. There is no reason to believe that references, that never say they do this, actually somehow figure out how to do it and simply do not mention the same.

The final rejection concedes that "However, as it may be argued that Mason, Jr. does not expressly teach that such previously non-sequential cache writes may be written back as a single 'larger' write operation not otherwise inherently composed of potentially multiple disk writes,

Date of Deposit: December 22, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia L. Hayden
Cynthia L. Hayden


Mandal is cited." This amounts to a concession that Mason is not relevant to the claimed invention.

Mandal coalesces burst-type writes wherein the information written is consecutive and, therefore, can be easily found and coalesced. Random or non-burst writes are not coalesced in Mandal and, instead, the reference explicitly states that "sustained random throughput is ultimately limited by the underlying disk speed." Mandal at paragraph 71. In other words, in the case of random or non-burst writes, no improvement was possible with the cited reference and, therefore, speed was reduced. With the claimed invention, non-burst writes are coalesced, providing significant improvement. Thus, the requirement that the writes be non-sequential preclude the application of the Mandal reference.

Therefore, reconsideration is requested.

Respectfully submitted,

Date: December 22, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation